

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Henry W. Martin, Jr.,)	C/A NO. 6:12-1089-CMC-KFM
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
William R. Byars, Jr., Director; Dr. Moore,)	
Director of Medical Service; Dr. T. Byrne, ACI;)	
Dr. G. Amonitti, LCI; Nurse NFN Derrick,)	
ACI Health Care Authority; Wayne C. McCabe,)	
Warden LCI; Cpl. T Simpson, Allendale)	
Correctional Institution; Cpl. Melvin Drayton,)	
Allendale Correction Institution; Elizabeth)	
Holcomb, Nurse Praction, Lieber Correction)	
Institution; Lisa Hopolomber, Nurse Practice,)	
Lieber Correction Institution; Star Connelly,)	
Nurse Practice, Lieber Correction Institution;)	
Joseph McFadden, Associate Warden, Lieber)	
Correction Institution; Sylna Jones, Mail Room)	
Supervisory, Lieber Correction Institution;)	
Luclnecia Bryant, Mail Room Assistant, Lieber)	
Correction Institution; Rose Montee, Business)	
Office, Lieber Correction Institution,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On June 13, 2013, the Magistrate Judge issued a Report recommending that the Defendants' motion for summary judgment be granted, that any other pending motions be dismissed as moot, and the complaint be dismissed with prejudice. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the

Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on July 8, 2013.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to Plaintiff's objections to the Report, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

Plaintiff's objections are repetitive and without merit. Therefore, Defendants' motion for summary judgment (ECF No. 109) is **granted** and this matter is dismissed with prejudice. Plaintiff's pending motion for reconsideration (ECF No. 87) is hereby moot.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 11, 2013